

ESTTA Tracking number: **ESTTA372124**

Filing date: **10/07/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91192781
Party	Defendant Biogen Idec MA Inc.
Correspondence Address	Christina M. Licursi Wolf, Greenfield & Sacks, P.C. Federal Reserve Plaza, 600 Atlantic Avenue Boston 02210, MA 02142-1481 UNITED STATES cxltrademarks@wolfgreenfield.com, drwtrademarks@wolfgreenfield.com
Submission	Motion to Amend Application
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Date	10/07/2010
Attachments	B1152.50001US00.MotionTo Amend App.pdf (3 pages)(65189 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Opposer: Bayer HealthCare, LLC
Applicant: Biogen IDEC MA Inc.
Serial No.: 77/701134
Filing Date: March 27, 2009
Mark: LIXALEV
Published: July 28, 2009

Bayer HealthCare, LLC)	Opposition No. 91192781
)	
Opposer,)	Application Serial No. 77/701134
)	Mark: LIXALEV
)	
v.)	
)	
Biogen Idec MA Inc.,)	
)	
Applicant)	
)	

MOTION TO AMEND APPLICATION WITHOUT CONSENT

Pursuant to 37 CFR § 2.133(a) and TBMP § 514.03, Applicant respectfully requests that the mark shown in Application Serial No. 77/701134 ("Application") that is the subject of this proceeding be amended. The Opposer has not consented to the present motion.

The Applicant requests that the following amendment be made to its Application:

From: pharmaceutical preparations for the treatment of cardiovascular disorders
To: prescription pharmaceutical preparations for the treatment of cardiovascular disorders.

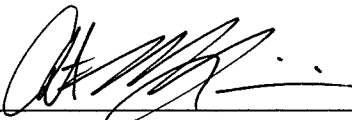
In support of the proposed amendment, Applicant states the following:

1. Applicant's proposed amendment serves to narrow the identification of goods.
2. Applicant's proposed amendment complies with 37 CFR § 2.71 and 37 CFR § 2.74.

In view of the foregoing, Applicant believes that approval of the amendment by the Board pursuant to 37 CFR § 2.133(a) is appropriate and respectfully request that this Motion be granted.

Respectfully submitted,

Biogen IDEC MA Inc.

By: _____

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Date: October 7, 2010
Docket No.: B1152.50001US00

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2010, I served a copy of Applicant's Motion to Amend Application Without Consent upon counsel for Opposer, by first-class mail, postage-prepaid, addressed to:

Beth M. Goldman
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Attorney Docket: B1152.50001US00